

condemnation of 1,650 cases, each containing 6 cans of tomato catsup, consigned on September 26, 1918, remaining unsold in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by the W. H. Dyer Co., Evansville, Ind., and transported from the State of Indiana into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "W. H. Dyer's Own Pack Brand Tomato Catsup."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy decomposed vegetable substance.

On May 23, 1919, the said W. H. Dyer Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings, and the execution of a bond in the sum of \$2000, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**6925. Adulteration and misbranding of olive oil. U. S. \* \* \* v. 3 Cases \* \* \* of Alleged Olive Oil. Default decree of condemnation, forfeiture, and sale.** (F. & D. No. 9413. I. S. Nos. 2225-r, 2226-r. S. No. W-250.)

On October 28, 1918, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 cases, containing 48 cans of alleged olive oil, remaining unsold in the original unbroken packages at East San Pedro, Cal., alleging that the article had been shipped on or about May 31, 1918, by Henry M. Diny Co., New York, N. Y., and transported from the State of New York into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Olio Puro D'Oliiva Lucca Italy" and "Finest Quality Olive Oil."

Adulteration of the article was alleged in substance in the libel for the reason that cottonseed oil had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted wholly or in part for olive oil.

Misbranding of the article was alleged in substance for the reason that the cans containing it were labeled "Olio Puro D'Oliiva Lucca Italy, Net Contents Full Gallon," and "Finest Quality Olive Oil Pure Termini Imerese Sicilia-Italia, Guaranteed Absolutely Pure, 1 Gallon Net," whereas, in truth and in fact, said cans did not contain "Olio Puro D'Oliiva Lucca Italy," and "Finest Quality Olive Oil Pure Termini Imerese Sicilia-Italia," but contained a mixture of cottonseed oil and olive oil, and the said labeling and branding were calculated to mislead and deceive the purchasers thereof; and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, "Olio Puro D'Oliiva Lucca Italy," and "Finest Quality Olive Oil Pure Termini Imerese Sicilia-Italia," whereas, in truth and in fact, it was not as represented on the labels, but was a mixture of cottonseed oil and olive oil; and for the further reason that it purported to be a foreign product, when, in truth and in fact, it was a local product; and for the further reason that the quantity of the contents of the cans was not correctly stated on said cans, in that the gallon cans were labeled "Net Contents Full Gallon," and the  $\frac{1}{2}$ -gallon cans were labeled "Full Half Gallon," whereas, in truth and in fact, the gallon cans did not contain 1 full gallon, and the  $\frac{1}{2}$ -gallon cans did not

contain 1 full half gallon; and for the further reason that it was food in package form, and the contents of the packages was not plainly and conspicuously marked on the outside of the packages in terms of weight, measure, or numerical count.

On December 11, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**6926. Adulteration of eggs. U. S. \* \* \* v. 10 Cases of Eggs. Default decree of condemnation and forfeiture. Good portion ordered sold. Unfit portion ordered destroyed.** (F. & D. No. 9419. I. S. Nos. 5663-r, 5664-r. S. No. C-974.)

On August 29, 1918, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 cases, each containing 30 dozen eggs, remaining unsold in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped on August 9, 1918, and August 13, 1918, by C. A. Victora, Scranton, N. D., and transported from the State of North Dakota into the State of Minnesota, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed substance.

On October 11, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, it having been theretofore ordered by the court that the edible portion of the eggs should be sold, and the inedible portion destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**6927. Adulteration and misbranding of saccharin. U. S. \* \* \* v. 1 Can of Alleged Saccharin. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 9421. I. S. No. 6270-r. S. No. C-1005)

On or about November 4, 1918, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 can, containing 5 pounds of alleged saccharin, remaining unsold in the original unbroken package at Whitesboro, Tex., alleging that the article had been shipped on or about August 16, 1918, by the W. B. Wood Mfg. Co., St. Louis, Mo., and transported from the State of Missouri into the State of Texas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Saccharin \* \* \* W. B. Wood Mfg. Co."

Adulteration of the article was alleged in the libel for the reason that it consisted of saccharin and 47.6 per cent of sugar product, and was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, and in that its strength and purity fell below the professed standard and quality under which it was sold.

Misbranding of the article was alleged for the reason that the statement, to wit, "Saccharin," was false and misleading, and in that it was an imitation of, and was offered for sale under the name of, another article, to wit, saccharin.